

May 11, 2009

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Chief Waters; Capt. Allyn; Comm. Maynard; Supt. Givens; Tom Hogan and Rich DeMarco – Johnson Controls, Inc.; Bob Bullard; Nancy Sexton; Dave and Judy Whitten; Larry Williams; Roger and Jesse Tron; Bob Boerner; Pat Stewart; Sheila Stewart; and Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis reported Supt. Gray indicates progress is being made, despite the rainy weather.

Supt. Gray continued by stating the water main to the north booster station is complete, way ahead of schedule. He then stated there is an 8" line that runs about 500 feet north of that which was also replaced. He concluded by stating they did have to issue a short, localized boil order last week as a result of a line stop blowing off. He stated Mr. DeMarco will now update the Board on the north facility.

Mr. DeMarco reported the following concerning the Water Treatment North Facility:

Steady progress continues at the North Location:

As of last week, the membrane roof has been installed and flashing is completed so the building exterior is completed.

Electrical installations include the following:

1. Installation of interior and exterior lighting, mounting of the PLC, VFD, Lighting, transformer and power panels.
2. Component and panel wiring started last week.
3. Underground 480 vac feed from Utility is scheduled to be installed this week.

Piping installations include the following:

1. Installation of underground piping which includes the drain and water main lines at the building location are complete.
2. Piping tie-in North of the booster station at the East and West road location is scheduled for this week.
3. Interior building piping and valves are 50% completed.

Component installation includes the following:

1. All three (3) pumps have been set in position.
2. Libert HVAC unit is installed.

Estimated construction completion date is scheduled for may 25.

Functional check out and punch list items will follow.

Mr. DeMarco then asked if there were any questions ?

There were none.

Supt. Gray reminded the Board May 21 at 10:00 am in the dedication ceremony for the new filters.

Chairman Curtis stated in reference to the settling/sludge treatment they discussed at the last meeting, Supt. Gray is getting more information together and they should have that for them at the next meeting.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Bookkeeper Bennett.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

There were none.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

Pat Stewart approached and stated she was at the last meeting about a bill that the water department says she still owes. She added she was at the water department last week and the water department knew where she lived and when she moved. She added tonight she has brought with her some rent receipts, a letter from her landlord, and her lease stating why she moved. She added the water department still says she owes a bill at her old address.

Board member Curtis asked if they are talking about three or four months back in 2006 ? Supt. Gray replied yes, actually the end of 2005, beginning of 2006.

Board member Curtis stated as far as he can see, there is still no formal notice that Ms. Stewart was moving.

Supt. Gray replied that is correct, she only came in and requested a change of address. Ms. Stewart added she told them at the water department she was moving and whose name to put the bill in.

Board member Curtis added it really does not work that way, the person who accepts the responsibility of the bill says whose name it is to be in.

Ms. Stewart stated the landlord went in to the water department in December and they told her at that time the bill was back in her name.

Board member Curtis stated no one is questioning the fact that she moved.

Supt. Gray added the bills continued to go to her new address, Ms. Stewart received them and brought the bills in with her to the water department. He added they should have been paid in 2006.

Board member Curtis stated if the landlord agreed to accept them, the landlord should pay this \$129.00 bill.

Supt. Gray questioned \$129.00, as the bill he is aware of that is past due is \$179.00.

Ms. Stewart stated the water department gave her another one today and it shows \$129.00.

Supt. Gray replied it is \$179.00.

Board member Hoehn asked if the landlord is willing to pay the bill ?

Ms. Stewart replied she thought the landlord already had paid it.

Board member Hoehn asked if that is the case, can she show a receipt for the payment ?

Ms. Stewart replied yes the landlord can.

Supt. Gray asked if that is the case, why was the service disconnected for nonpayment ?

Board member Hoehn stated there is no question Ms. Stewart moved, but at that point, she should have gone into the water department and requested a final bill or had the service at the old address cut off.

Attorney Higgins agreed the meter would have been pulled after the final reading.

Board member Curtis added it doesn't matter where Ms. Stewart was living, there were no arrangements made for payment of the final bill, she only asked to have the old service put in the landlord's name – which does not constitute a disconnect.

Supt. Gray stated once a final bill is asked for, within 48 hours the meter is read and the final bill goes out. He stated in this case the service was disconnected for nonpayment in January 2006.

Ms. Stewart stated Kim Morrow took the information down when she went in to tell them she was moving.

Supt. Gray added the November bill would not have been received until December.

Board member Hoehn stated the service dates on the bill were from when Ms. Stewart still lived at the old address, and the January bill had not been paid yet.

Board member Curtis stated again, there was never a request for disconnect, only a change to someone else's name, and they can not do that. He added at this point, the landlord just needs to come down and pay the bill and it clears everything up.

Ms. Stewart stated she will pay her part, but she will not pay for December 2005 or January 2006 as she was not living at that address at that time.

Board member Hoehn stated the service should have been disconnected OR the landlord should have gone in to make the transfer.

Ms. Stewart asked if the landlord needs to go to the water department ?

Board member Curtis stated whether to him, it doesn't matter if Ms. Stewart lived there or not, no matter, the landlord needs to pay their share as well.

Supt. Gray stated the usage from November 1 – 21 was not read until December, with the bill going on December 31.

Board member Curtis stated the issue is whose name the service is in, that is whoever is responsible.

Ms. Stewart stated she figures November is her part, but the landlord needs to show what she paid for December, January, February and March.

Board member Hoehn stated Ms. Stewart is responsible, and at this point, she needs to work it out with the landlord, and if she can't since there was no disconnect, Ms. Stewart is responsible.

Board member Curtis stated there is no question that Ms. Stewart said she was moving, but it doesn't work that way. He then stated the bill needs to be paid through January and the Board does not care who pays it.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

Ms. Stewart left the meeting.

Roger Tron approached the podium and stated he was told to come back to assure the Board their leak was fixed. He then stated there are no leaks.

Supt. Gray agreed and added it has been checked several times.

Board consented to adjust the bill.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Board member Curtis moved Umbaugh be allowed to do an updated rate study due to the BAN's, etc. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated if there was no further business he entertains a motion to adjourn. Board member Curtis moved the meeting be adjourned. Seconded by Board member Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Chief Waters; Capt. Allyn; Comm. Maynard; Supt. Givens; Tom Hogan and Rich DeMarco – Johnson Controls, Inc.; Bob Bullard; Nancy Sexton; Dave and Judy Whitten; Larry Williams; Bob Boerner; Sheila Stewart; and Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Hoehn stated she has no report.

Comm. Maynard reported the buildings are done at their new location, the fencing is almost done, and the security system will be in place next week.

Mayor Tucker asked if there were any questions ?
There were none.

Police & Dog Chairwoman Askren stated she has no report.
Capt. Allyn stated she has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Fire Chairman Fuelling was absent.
Chief Waters stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Sewer Chairwoman Higgins stated she has no report.
Supt. Givens stated he passed his testing on April 23rd and as a result, he now has a Class D Industrial License and he is tapped out, there are no more tests for him to take. He added he has also been encouraging his employees to get their credentials as well.
Mayor Tucker stated GOOD JOB ! He then asked if there were any questions ?
There were none.

Mayor Tucker stated they have the Financial Report for April before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.
Attorney Higgins stated the first item for consideration is the Ordinance concerning the issue of Venice Avenue which they discussed at the last meeting, and recommended by Dave Frye and the MSD of Mt. Vernon. She added it is also a clean up ordinance, by adding the intersections with stop lights to the code.
Councilwoman Hoehn asked if they should notify the two residents that live on Venice Avenue before this passes final reading ? She added that way, they will have a chance to address the Council if they should so choose, as well as the MSD.
Attorney Higgins stated she will mail the notices out.
Councilwoman Higgins stated the ordinance indicates traffic will flow NORTH on Venice and she thought the initial request for it to flow SOUTH.
Attorney Higgins stated per her final notes, Mr. Frye did not care either way and Chief Beloit felt NORTH would be safer, as no exit onto 4th Street.
Councilwoman Hoehn the moved the ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title VII – Traffic Code, Chapter 74 – Traffic Schedules – Schedule I – Stop Intersections; Title VII – Traffic Code, Chapter 74 – Traffic Schedules – Schedule III – Signalized Intersections; and Title VII – Traffic Code; Chapter 74 – Traffic Schedules – Schedule IV – One-Way Streets. Seconded by Councilman Curtis.
Mayor Tucker asked if there was any discussion ?
There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the next item is the police payback ordinance.

Attorney Higgins stated this was discussed at the Board of Public Works & Safety meeting, per Chief Beloit's request. She added the ordinance currently on the books is a three year payback ordinance, with the top payback amount being \$2,000, decreasing over the three year period. This ordinance increases that time to four years with a top dollar amount payback of \$8,000. she added the Board of Works adopted a resolution and this applies to the POLICE DEPARTMENT ONLY. She then stated Chief Beloit is also looking into some beneficial items to get officers to stay, but again, ordinance was recommended by the Board of Works.

Councilwoman Hoehn moved the Ordinance to Amend the City of Mt. Vernon, Indiana Code of Ordinances Title III – Administration, Chapter 34 – Employee Regulations, Section 34.71 – Police Officer's Departure from Department within Three Years from Date of Hire, be passed on first reading. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

Councilwoman Hoehn stated in these tough economic times, if the city should have to lay off an officer, would that officer still have to pay this back ?

Attorney Higgins replied not if it is a true lay off, if someone is not terminated, no, they would not.

Councilwoman Hoehn asked if when they were laid off they got a call to go work somewhere else to make ends meet, what then ?

Attorney Higgins stated if the lay off turns into an I QUIT, then they would have TERMINATED employment with the city, so yes, it would apply in that case.

Councilwoman Askren added during the interview process the applicants are made aware of this ordinance.

Clerk-Treasurer Wolfe also added it is included in their hiring packets and they sign off on receipt of it.

Attorney Higgins agreed and they sign off on the fact that they have received a copy and that they are aware of it.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Askren moved the ordinance pass second and third readings. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-11.

Attorney Higgins stated she would like to thank Clerk-Treasurer Wolfe for all of her assistance with the bond closing last week. She added there were many last minute emails and dotting of I's and crossing of T's, but as a result the BAN's have been retired, the project is funded and they should start to see construction soon.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Sheila Stewart approached and stated she was at the meeting two weeks ago, but this time it is over a different issue – the house at 1218 Mulberry, where the meth lab had been a few months ago. She wondered what could be done about it. She stated there are weeds, raccoons, an owl, a badger, a veritable zoo ! She added it is boarded up on one side and the front and it is a mess on the inside. She stated she has contacted Mr. Shaffer with the County Health Department, as well as the Prosecutor's Office and Mayor Tucker's Office. She added there are still people going in and out of the house at all hours – they take a crowbar and knock the boards off the door and go right in, why ? She stated she is concerned about her health, her kids' health and her mother's health. She added she has called the US EPA, who then contacted the Indiana EPA, who contacted Mr. Shaffer. She stated the county indicated to them that the house was boarded up and will be demolished as soon as possible, and that the city and the health department will work jointly on that. She stated she also had to contact Capt. Allyn Saturday about folks going in and out of there again. She wondered about any legal remedies for the situation. With Summer and hot months coming on, the smell coming from the house will get much worse. She again just wondered what else could be done at this point.

Councilwoman Hoehn asked if is the owner's that are coming in and out ?

Ms. Stewart replied no, they were selling the house on contract, it is the former residents' relation that keep unboarding the doors and going in.

Attorney Higgins stated they are dealing with about three different issues here: criminal/suspicious activity, at which time Ms. Stewart should call dispatch. The physical condition of the home is in question, and if it does not meet city standards Mrs. Willis will issue a letter giving the owner 30 days to bring it up to standard, and if they do not, a hearing is held and an order to demolish can be issued. She added that is about a 75 day process. She then stated the other issue, trash sitting around, is a Street Department issue. Comm. Maynard issues an ordinance violation which is filed in court, at which time a court date can be set in about 30 days. She concluded by stating if there are weeds and tall grass, that is referred to Clerk-Treasurer Wolfe's office.

Ms. Stewart then thanked the Council for their time.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?
There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilwoman Higgins asked if Council had thought any more about the dog ordinance, prohibiting them at public gatherings ?

Councilwoman Askren stated they need to do something.

Councilwoman Hoehn asked if anyone has checked with other communities to see what they do ?

Attorney Higgins replied she sent Council sample ordinances from the communities that she found that have ordinances on the books about it. She added Goshen was the closest to what they are looking for, though not many totally banned animals from public events. Councilman Curtis stated it seems pretty ambiguous and therefore, hard to enforce, he would like Chief Beloit to look at the law.

Ms. Stewart left the meeting.

Councilwoman Higgins asked Capt. Allyn for her take.

Capt. Allyn replied it is not a bad idea and responsible pet owners do not bring their pets to events like that.

Councilwoman Hoehn asked if they plan to ban all but service dogs ?

Capt. Allyn replied that would be her recommendation.

Councilwoman Askren asked if Attorney Higgins could draft an ordinance ?

Attorney Higgins replied sure, but someone should propose one – strictly limited to events on city owned property ?

Councilwoman Higgins replied yes, like concerts, festivals, fireworks, etc.

Councilwoman Askren stated she feels Attorney Higgins should proceed.

Larry Williams cautioned the Council, though he agrees with them, the Nut Clubbers for instance, has Pet Parades at some of their public events.

Council consented to have Attorney Higgins draft an ordinance.

Mayor Tucker asked if there was any New Business ?

Councilwoman Higgins stated she and Councilman Fuelling sat down with Robbie Buchanan of Evansville Western Railroad about the pile up of “stuff” on the south side of the Main Street tracks. It is an eyesore, and Mr. Buchanan agreed and added he will take care of it.

Mayor Tucker stated the next item of business is a decision on the May 25th meeting, as that is a City Holiday. He added it could be moved to the 26th or whatever the Council desires.

Councilwoman Askren moved the meeting of the 25th be canceled and not be rescheduled. Seconded by Councilwoman Hoehn, who added a special meeting could be called if a need arises.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling was not present.

3rd District Councilwoman Hoehn stated she has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated May 16 is a free paper shredding day at the courthouse from 10:00 am to 1:00 pm, sponsored by the City, the Posey County Sheriff's Department and the Prosecutor's Office. He then stated he would like all who helped May 2 with the riverfront clean up – girl power groups, SABIC, WSI, the general public, council persons...He added they also picked up donations from George and Ann Fischer, TMI, Integra and Old National Banks, Nancy Sexton and the Mt. Vernon Garden Club. He concluded his report by stating the Indianapolis Colts are coming to Mt. Vernon July 1, from 4:00 to 6:00 pm at the old Dausmann's parking lot. He added they will be bringing a mobile museum, some players and cheerleaders.

He then stated if there is no further business, he entertains a motion to adjourn.

Councilwoman Higgins moved the meeting be adjourned. Seconded by Councilwoman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer